

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
MAY 5, 2003**

The Tippecanoe County Commissioners met on Monday, May 5, 2003 at 10:00 A.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President KD Benson, Vice President Ruth E. Shedd, and Member John L. Knochel. Also present were: Auditor Robert A. Plantenga, Commissioners' Assistant Jennifer Weston, County Attorney David W. Luhman, and Secretary Pauline E. Rohr.

President Benson called the meeting to order and led the Pledge of Allegiance.

APPROVAL OF MINUTES

Commissioner Shedd moved to approve the minutes of the April 21, 2003 Regular Meeting as distributed, seconded by Commissioner Knochel; motion carried.

APPROVAL OF ACCOUNTS PAYABLE VOUCHERS

- Upon the recommendation of Commissioners' Assistant Weston, Commissioner Knochel moved to approve the Accounts Payable Vouchers as submitted for the periods ending April 25, 2003, May 2, 2003, and May 5, 2003, seconded by Commissioner Shedd; motion carried.

HIGHWAY: Executive Director Mark Albers

AWARD BID: CR 430 S Reconstruction from CR 100 E (9th St.) to CR 150 E (18th St.)

Mr. Albers recommended awarding the bid and contract to Milestone Contractors, L.P. Milestone's bid of \$909,501.46 was less than Rieth-Riley's bid of \$1,041,192.62, and lower than the Engineer's estimate of \$970,592.05.

- Commissioner Shedd moved to award the bid and contract to Milestone Contractors, L.P. for the CR 430 S Project and accept the Bid Bond for five percent of the bid, seconded by Commissioner Knochel; motion carried.

AGREEMENT: Construction Engineering Consultant for CR 430 S Reconstruction Project: H. Stewart Kline

- Commissioner Shedd moved to approve the Agreement with H. Stewart Kline to serve as Construction Engineering Consultant for the CR 430 S Reconstruction Project for an amount not to exceed \$80,000, seconded by Commissioner Knochel; motion carried.

Mr. Albers said the pre-construction conference for this project will be held on Thursday, May 8th. Construction may begin soon after but the road will not be closed until the end of the school year and will be reopened by the beginning of the fall semester.

DESIGN SHEET APPROVAL: 2003 Bridge Rehabilitation Project

Mr. Albers requested approval of the Design Sheet for the rehabilitation of Bridges 3, 6, 25, 134, 135, 197, 198, 200, 502, and U507 for various repairs.

- Commissioner Shedd moved to approve the Design Sheet for the 2003 Bridge Rehabilitation Project, seconded by Commissioner Knochel; motion carried.

APPLICATION: Permit to Close Road in Town of West Point

Mr. Albers submitted a request from the West Point Lions Club in the Town of West Point for permission to close Washington Street between Columbia and Main Streets and Jefferson Street between Monroe and Mulberry Streets from 6:00 A.M. to 5:00 P.M. on Saturday, June 7, 2003 for an annual car show.

- Commissioner Shedd moved to approve the application for the closure of Washington and Jefferson Streets in the Town of West Point as requested, seconded by Commissioner Knochel; motion carried.

MAINTENANCE BOND: Hack Excavating Inc.

- Commissioner Shedd moved to approve Bond #3-346-624 for Hack Excavating Inc. in the amount of \$5,000 for work in all county right-of-ways effective from April 17, 2003 through April 17, 2004, seconded by Commissioner Knochel; motion carried.

CERTIFICATES OF INSURANCE

- ♦ Valley Forge Insurance Company, Continental Casualty, Fireman's Fund, Transportation Insurance Co. for Force Construction Company, Inc
- ♦ Acuity Insurance Company for Lauramie Excavating Inc
- ♦ Celina Group for Sunburst Excavation, Inc
- ♦ Northland Insurance for Manufactured Housing Services Inc
- ♦ State Farm Fire and Casualty Company for Ince Development Co Inc
- ♦ FCCI (Monroe Guaranty), Accident Fund Company for Wrede & Sons Excavating, Inc
- ♦ United Farm Family Mutual Insurance Company for Adam & Larry Hart
- ♦ United Farm Family Mutual Insurance Company for Randall S. Denham dba Randy Denham Builder
- ♦ Pekin Insurance, Great American Ins Bo, National Casualty Company, Accident Fund ICOA for Indiana Mobile Home Transport, Inc
- ♦ Westfield Insurance Company, Amerisure Insurance Company for C.P. Morgan Communities L P; TMF, Ltd
- ♦ Indiana Farmers Ins Co for Knox Construction, Inc
- ♦ State Auto for Cat Construction Inc

ORDINANCE 2003-21-CM: Regulates the Speed Limit on Harding Rd. from SR 38 E to CR 900 E

Attorney Luhman read Ordinance 2003-21-CM that will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Shedd moved to approve Ordinance 2003-21-CM on first reading, seconded by Commissioner Knochel.

Auditor Plantenga recorded the vote:

KD Benson Yes
Ruth Shedd Yes
John Knochel Yes

- The motion to approve Ordinance 2003-21-CM on first reading passed 3 – 0.
- Commissioner Shedd moved to suspend the rules and allow a vote on second reading the same day as presented, seconded by Commissioner Knochel; motion carried.
- Commissioner Shedd moved to approve Ordinance 2003-21-CM on second reading, seconded by Commissioner Knochel.

Auditor Plantenga recorded the vote:

Ruth Shedd Yes
John Knochel Yes
KD Benson Yes

- The motion to approve Ordinance 2003-21-CM on second reading passed 3 – 0.

ORDINANCE 2003-22-CM: Regulates the Speed Limit on CR 900 E from CR 900 S to CR 800 N

Attorney Luhman read Ordinance 2003-22-CM that will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Shedd moved to approve Ordinance 2003-22-CM on first reading, seconded by Commissioner Knochel.

Auditor Plantenga recorded the vote:

John Knochel Yes
KD Benson Yes
Ruth Shedd Yes

- The motion to approve Ordinance 2003-22-CM on first reading passed 3 – 0.
- Commissioner Shedd moved to suspend the rules and allow a vote on second reading the same day as presented, seconded by Commissioner Knochel; motion carried.
- Commissioner Shedd moved to approve Ordinance 2003-22-CM on second reading, seconded by Commissioner Knochel.

Auditor Plantenga recorded the vote:

KD Benson Yes

Ruth Shedd Yes
 John Knochel Yes

- The motion to approve Ordinance 2003-22-CM on second reading passed 3 – 0.

ORDINANCE 2003-23-CM: Regulates the Speed Limit on CR 700 W from SR 28 to Division Rd.

Attorney Luhman read Ordinance 2003-23-CM that will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Shedd moved to approve Ordinance 2003-23-CM on first reading, seconded by Commissioner Knochel.

Auditor Plantenga recorded the vote:

Ruth Shedd Yes
 John Knochel Yes
 KD Benson Yes

- The motion to approve Ordinance 2003-23-CM on first reading passed 3 – 0.
- Commissioner Shedd moved to suspend the rules and allow a vote on second reading the same day as presented, seconded by Commissioner Knochel; motion carried.
- Commissioner Shedd moved to approve Ordinance 2003-23-CM on seconded reading, seconded by Commissioner Knochel.

Auditor Plantenga recorded the vote:

John Knochel Yes
 KD Benson Yes
 Ruth Shedd Yes

- The motion to approve Ordinance 2003-23-CM on second reading passed 3 – 0.

**WARRANTY DEEDS: CR 200 N Reconstruction Project (between CR 500 E & CR 600 E):
 Brian R. Miller, Ann Shaw, and Larry L. Smith Sr. & Anna K. Smith**

Mr. Albers presented the following Warranty Deeds for acceptance for the CR 200 N Reconstruction Project:

Key #112-00700-0325: Parcel #27:

A part of the W ½ of the E ½ of the SW ¼ of Sec 7, Twp 23 N, R 3 W of the second principal meridian in Perry Twp from Brian R. Miller.

Key #112-00700-0138: Parcel #38:

A part of the SE ¼ of Sec 7, Twp 23 N, R 3 W of the second principal meridian in Perry Twp from Ann Shaw.

Key #112-00700-0402: Parcel #37:

A part of the SW ¼ of the SE ¼ of Sec 7, Twp 23 N, R 3 W of the second principal meridian in Perry Twp from Larry L. Smith Sr. & Anna K. Smith.

**TEMPORARY GRANTS OF RIGHT-OF-WAY: CR 200 N Reconstruction Project (between CR 500 E & CR 600 E):
 Brian R. Miller and Ann Shaw**

Mr. Albers submitted the following Temporary Grants of Right-of Way for acceptance for the CR 200 N Reconstruction Project:

Key #112-00700-0325: Parcel #27A:

A part of the W ½ of the E ½ of the SW ¼ of Sec 7, Twp 23 N, R 3 W in Perry Twp from Brian R. Miller.

Key #112-00700-0138: Parcel #38A:

A part of the SE ¼ of Sec 7, Twp 23 N, R 3 W of the second principal meridian in Perry Twp from Ann Shaw.

- Commissioner Shedd moved to approve the three Warranty Deeds and two Temporary Grants of Right-of-Way for the CR 200N Project, seconded by Commissioner Knochel; motion carried.

GRANTS OF RIGHT OF WAY: By Parcelization: Davis

Mr. Albers presented the following Grant of Right-of-Way by parcelization for acceptance:

Key #108-02900-0013: 30' R-O-W south of the approximate center line of CR 900 S;

A part of the NW ¼ of Sec 10, Twp 21 N, R 6 W in Jackson Twp. from Hal R. & Diane L. Davis.

- Commissioner Shedd moved to approve the Grant of Right-of-Way by parcelization, seconded by Commissioner Knochel; motion carried.

DUST CONTROL APPLICATION

Mr. Albers announced that residents may order a dust control application by calling the County Highway Garage by May 16, 2003. The cost of 53¢ per foot will be completely funded by the residents this year.

RIBBON CUTTING: McCarty Lane Overpass

A ribbon cutting ceremony for the recently completed McCarty Lane Overpass at I-65 will be held at 2:00 P.M. today to officially open the roadway.

PAVING SERVICES: Jail

Mr. Albers reported a request from Sheriff Anderson for the Highway Department to complete necessary paving following the recent expansion of the County Jail. After reviewing the estimated amount of work, Mr. Albers said he determined the amount of site preparation will be too much for the Highway Department. J. R. Kelly estimates the cost of the entire project at \$58,000. Using 2003 contractual maintenance pricing, Mr. Albers estimated the Highway Department's cost will be approximately \$30,000 to assist Kelly with the paving only. Sheriff Anderson said Kettlehut Construction, the Project Manager, is reviewing the figures to determine if there will be a cost savings for the Highway to do the paving.

- Commissioner Shedd moved to give the County Highway Department permission to proceed with the paving if there will be a cost savings to the County, seconded by Commissioner Knochel; motion carried.

ROAD RELINQUISHMENT REQUEST: Town of Otterbein

Mr. Albers reported correspondence from the Town of Otterbein requesting the relinquishment of CR 500 N, a paved road, between US 52 and the town's boundary. He suggested including the short stretch of a north-south gravel road that runs from US 52 to CR 500 N. He stated relinquishment of these two roads would ease the need for the Highway Department to work on the south side of US 52 in this vicinity. Commissioner Shedd asked if the County would also relinquish the right-of-way on either side of the road. Attorney Luhman said that issue would be part of the negotiation.

McCUTCHEON HIGH SCHOOL PARKING ISSUE (Refer to 2/19/03 & 4/21/03 Minutes)

Prior to today's meeting, the Commissioners were given a list of suggested subdivisions and streets within a one (1) mile radius of McCutcheon High School to consider for restricted parking. President Benson said she thinks the list is too broad and suggested restricting parking in subdivisions that touch or are in closer proximity to school property. Commissioner Shedd asked if the proposed ordinance will be effective for the entire county. Attorney Luhman responded that the ordinance will identify streets near McCutcheon High School, but it will be written so that streets and subdivisions close to other high schools can be added if needed.

Attorney Luhman was asked to reduce the list to streets and subdivisions closer to McCutcheon High School that will then be posted for comments.

ORDINANCE 2003-15-CM: UZO Amendment #36

Ordinance 2003-15-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Shedd moved to hear and approve Ordinance 2003-15-CM, seconded by Commissioner Knochel.

Area Plan Assistant Director Sallie Fahey explained this amendment will allow excavating and building contractors with a special exception in A, AW and AA zones on lots with a minimum of 5 acres and a maximum gross floor area of 5,000 square feet. Unlimited outdoor storage areas will be allowed but should be set back at 200 feet from a road or front lot line and 100 feet from side and rear lot lines when adjacent to residential uses or zones. A specific type of bufferyard is required where the property abuts a residential use or zone. Mrs. Fahey said this ordinance will cover plumbers and electricians as well as excavators.

With no further comments, Auditor Plantenga recorded the vote:

KD Benson Yes
Ruth Shedd Yes
John Knochel Yes

- The motion to approve Ordinance 2003-15-CM passed 3 – 0.

ORDINANCE 2003-19-CM: Z-2121, BHR, LLC AW to RE

Ordinance 2003-19-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- After Commissioner Shedd's motion to hear and approve Ordinance 2003-16-CM was seconded by Commissioner Knochel, it was pointed out that 19 is the correct ordinance number. Commissioner Shedd's amended motion to hear and approve Ordinance 2003-19-CM was seconded by Commissioner Knochel.

Representing the petitioners, Paul Coutts of C & S Engineering requested a zoning change from AW to RE for 33.83 acres for a 12-lot Rural Estate Subdivision along the west side of East County Line Road just north of CR 700 S. He said they plan to install a 1,600' private drive and a pond for recreational use by the residents. The subdivision will comply with Rural Estate requirements.

As one of the four petitioners, Alan Baldwin explained that the petitioners decided they wanted their families to live in the same subdivision so their children could play together. The subdivision will be named Rutan Ridge for the family that formerly owned the acreage, and the private drive will be name Fretz Lane after a grandfather of the Rutan family. After the Area Plan meeting, he said the petitioners were able to talk through some of the issues with existing property owners who were opposed. In his opinion, the drainage plan for the subdivision will address issues that will help all residents in the area.

With no further comments, Auditor Plantenga recorded the vote:

Ruth Shedd Yes
John Knochel Yes
KD Benson Yes

- The motion to approve Ordinance 2003-19-CM passed 3 – 0.

ORDINANCE 2003-17-CM: Z-2116, Charles R., Helen L. and Charles R. Vaughan Irrevocable Trust, R1 to GB

Ordinance 2003-17-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Shedd moved to hear and approve Ordinance 2003-17-CM, seconded by Commissioner Knochel.

Representing the petitioner, Attorney Joe Bumbleburg requested a zoning change from R1 to GB for 14.275 acres that is divided by the railroad tracks. Mr. Bumbleburg said the site has no residential future and Mr. Vaughan has not had a single inquiry from an industrial source in the ten years he has owned the property. Mr. Vaughan owns 20 adjacent acres to the south that is already zoned GB, has water and sewer access, and a road to CR 350 S. If this 20 acres were joined with the 9.9 acres south of the railroad tracks, Mr. Bumbleburg believes 29 acres will be an adequate site for GB use.

Charles Vaughan, the petitioner, said he wants to build a structure that will not be a detractor to the area. He confirmed that there has been no interest for industrial use.

Area Plan Assistant Director Sallie Fahey explained the Area Plan Staff thinks this site should be zoned industrial to be in keeping with the Comprehensive Plan. If the site is zoned GB, retail activity could result but access to SR 38 would not be easy for a retail operation. Industrial zoning would make this an appropriate site for a business that serves industry.

President Benson commented that R1 zoning is not appropriate but thinks I is.

Mr. Bumbleburg responded that the Comprehensive Plan dates back to 1987 and should be updated. With no offer to purchase the site for industrial use, he thinks GB zoning is the best way to get action in this area. Mr. Vaughan interjected that he checks with Greater Lafayette Progress President Mike Brooks on a regular basis to determine if there is any interest from industry but there has been none.

With no further comment, Auditor Plantenga recorded the vote:

John Knochel No
KD Benson No
Ruth Shedd No

- The motion to approve Ordinance 2003-17-CM failed with 3 no votes.

ORDINANCE 2003-16-CM: Z-2115, G & L Development, OR to R1

Ordinance 2003-16-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Shedd moved to hear and approve Ordinance 2003-16-CM, seconded by Commissioner Knochel.

Representing the petitioner, Attorney Marianne Owen requested a zoning change from OR to R1 for 31.48 acres that will expand Wake Robin Subdivision that lies to the east. The acreage lies northeast of the intersection of Klondike and Lindberg Roads, but Ms Owen said the best access will be through the existing subdivision. Utilities are available.

With no further comment, Auditor Plantenga recorded the vote:

KD Benson Yes
Ruth Shedd Yes
John Knochel Yes

- The motion to approve Ordinance 2003-16-CM passed 3 – 0.

ORDINANCE 2003-18-CM: Z-2117, David C. Kovich, R1 and AW to PDRS

Ordinance 2003-18-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Shedd moved to hear and approve Ordinance 2003-18-CM, seconded by Commissioner Knochel.

Representing the petitioner, Attorney Dan Teder requested a zoning change for approximately 17 acres for a planned developed consisting of 11 single family lots of approximately 1 to 1½ acres in size that will served by private wells and septic systems. By request of Area Plan, Mr. Teder said the right-of-way on Eisenhower Road will be corrected to 32.5 feet in the final detail plan as well as the addition of accel and decel lanes at the access point. The County will maintain the road but lot owners will be responsible for snow removal except owners of lots 1, 2, and 3. Mr. Teder said conservation easements and a tree preservation plan will help preserve the banks of the Wildcat Creek and the natural setting.

With no further comment, Auditor Plantenga recorded the vote:

Ruth Shedd Yes
John Knochel Yes
KD Benson Yes

- The motion to approve Ordinance 2003-18-CM passed 3 – 0.

SPONSORSHIP AGREEMENT: Round the Fountain Art Fair: Committee member Jim Bodenmiller

Mr. Bodenmiller requested the Commissioners' sponsorship of the Round the Fountain Art Fair and use of the Courthouse grounds and restrooms from 6:00 A.M. to 6:00 P.M. on Saturday, May 24, 2003. He said the committee will hire security personnel and provide volunteers who will insure no one goes to the other floors of the Courthouse.

- Commissioner Shedd moved to approve the Sponsorship Agreement for Round the Fountain Art Fair, seconded by Commissioner Knochel; motion carried.

PROCLAMATION: 30 Year Celebration of Round the Fountain Art Fair

The Commissioners read a proclamation in celebration of 30 years of service to the community by Round the Fountain Art Fair. Some of the Fair's contributions include a venue for high quality fine art, funding for Courthouse Restoration, support for visual arts programs at high schools in Tippecanoe County, and a permanent art collection in the Courthouse.

Mr. Bodenmiller reported that twenty (20) pieces from the permanent art collection will be on display at the Art Museum from May 23rd to the end of August.

MEMORANDUM OF AGREEMENT: JEDIS (Juvenile Educational Day-reporting Intensive Services) Program

- Commissioner Shedd moved to approve the Memorandum of Agreement with Tippecanoe School Corporation for funding in the amount of \$7,000 from July 1, 2003 through June 30, 2004 for the Juvenile Alternatives JEDIS/ Truancy Mediation Program, seconded by Commissioner Knochel; motion carried.

RESOLUTION 2003-16-CM: Transferring Ambulance to City of Lafayette

Attorney Luhman read Resolution 2003-16-CM that will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

This resolution transfers ownership of a 1996 Ford/Wheeled Coach ambulance used by the Tippecanoe Emergency Ambulance Service to the City of Lafayette for use by its Police Department for the sum of \$1.00 provided the City pays all associated transfer costs.

- Commissioner Shedd moved to approve Resolution 2003-16-CM, seconded by Commissioner Knochel; motion carried.

RESOLUTION 2003-14-CM: Amends Cum Cap Plan

Attorney Luhman summarized Resolution 2003-14-CM that will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

This resolution provides:

- Additional \$62,000 to Project KK for the repair of selected Courthouse windows.
 - Adds Project LL for Mailroom equipment in the amount of \$11,000 for an automated folder/heat sealer for Clerk's Child Support Checks.
 - Adds Project MM in the amount of \$12,000 for roof replacement of the Leona Briar Environmental Education Center.
- Commissioner Shedd moved to approve Resolution 2003-14-CM, seconded by Commissioner Knochel; motion carried.

APPOINTMENTS: Common Wage Board

- Commissioner Shedd moved to appoint Mike Smith, Carla Stearns, and Dave Lahr to the Common Wage Board for the Tippecanoe County Bridge Rehabilitation Project, seconded by Commissioner Knochel; motion carried.
- Commissioner Shedd moved to appoint Dave Lahr for the City of West Lafayette 2003 Street Resurfacing Program and the City of Lafayette Curb & Sidewalks Project, 16th & Kossuth Street Intersection & Signalization Project, 18th & Kossuth Street Intersection & Signalization Project, Riverfront Park Trail & Parking Lot Project, and Columbian Park Improvement-Picnic Grounds & Zoo Project, seconded by Commissioner Knochel; motion carried.

UNFINISHED BUSINESS**SHERIFF'S RADIO SYSTEM UPGRADE: Sheriff William "Smokey" Anderson, E-911 Director Capt. Mark Kirby**

Sheriff Anderson reported it will cost of \$3,575,000 to upgrade the Sheriff's Radio System. For the first time, Purdue University will join the system and will contribute \$626,297 as well as erect a tower on campus. The Sheriff proposes paying \$500,000 from E-911 Funds and to lease/purchase the remainder over a 10 year period. He said the tower on campus added to the tower at Murdock Park in Lafayette will provide additional coverage.

Attorney Luhman explained we already have a quote from the Indiana Bond Bank through their program for special equipment purchases that will be compared with quotes that will be gathered this week from various banks for Cash Management Services. He said if we use the Bond Bank, no RFP will be required for Cash management Services and, because we will purchase the equipment through the State's Quantity Purchase Program, no bid will be required.

Motorola representative Frank Galvin said the Dispatch Centers will be refreshed as part of the upgrade because, like the radio system, they are obsolete.

REPORTS

Reports from Mail & Duplication, Veterans Service, Tippecanoe County Public Library, and Volunteers in Probation (VIP) are on file in the Commissioners' Office for review.

ADJOURNMENT

- Commissioner Shedd moved to adjourn, seconded by Commissioner Knochel; motion carried.

**BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE**

KD Benson, President

Ruth E. Shedd, Vice President

John L. Knochel, Member

ATTEST:

Robert A. Plantenga, Auditor